

that the article had been shipped in interstate commerce on or about May 31, 1940, by Henri Foods, Inc., from Long Island City, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Carton) "Henry 10 Minute Spaghetti Dinner."

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**1227. Misbranding of spaghetti dinner. U. S. v. 50 Cases of Spaghetti Dinner. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2357. Sample No. 33110-E.)**

The carton in which this product was packed contained a wax paper envelope of grated cheese, a small bundle of spaghetti, and an unlabeled bottle of sauce. The outer carton and the bottle containing the sauce were not labeled in compliance with the requirements of the law and the spaghetti sauce was short of the weight declared on the carton.

On July 13, 1940, the United States attorney for the Southern District of New York filed a libel against 50 cases of spaghetti dinner at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 7, 1940, by Kurtz Bros. Corporation from Philadelphia, Pa.; and charging that it was misbranded. It was labeled in part: "Italian Chef Spaghetti Dinner \* \* \* This package contains 8 Oz. Spaghetti—8 Oz. Avoir. Wt. Spaghetti Sauce— $\frac{1}{2}$  Oz. Italian Grated Cheese."

The article was alleged to be misbranded in that the statement "8 Oz. Avoir. Wt. Spaghetti Sauce" on the carton containing the spaghetti dinner, was false and misleading since the spaghetti sauce was short of the declared weight. Misbranding was alleged for the further reasons that the article was in package form and the carton did not bear an accurate statement of the quantity of the contents, and it did not bear the common or usual name of each and every ingredient contained therein. Misbranding was alleged for the further reason that the bottle containing the sauce was in package form and did not bear a label containing the name and place of business of the manufacturer, an accurate statement of the quantity of the contents, nor the common or usual name of each and every ingredient.

On July 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**1228. Misbranding of egg noodle products. U. S. v. 13 and 23 Cartons of Egg Noodle Products. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2398. Sample Nos. 33159-E, 33160-E.)**

These packages were filled, on an average, to only about 83 percent of their capacity.

On July 19, 1940, the United States attorney for the District of New Jersey filed libels against 36 cartons of egg noodle products, at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 6, 1940, by the Atlantic Macaroni Co., Inc., from Long Island City, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: "Streit's Pure Egg Noodle Products \* \* \* Distributed by A. Streit, Inc. New York."

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**1229. Adulteration of egg noodles. U. S. v. 15, 15, and 33 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 3041. Sample Nos. 32045-E, 32046-E, 32047-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. When such infestation occurred was not determined.

On September 17, 1940, the United States attorney for the Southern District of California filed a libel against 63 cases of egg noodles at Los Angeles, Calif. (consigned by the Golden Age Corporation), alleging that the article had been shipped in interstate commerce on or about November 3, 1938, and August 22, 1939, from Libertyville, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. All packages were labeled in part: "Golden Age Egg Noodles."

On October 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.